

ENTERED

September 22, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA

§

v.

§ CRIM. ACTION NO. 5:20-CR-137-1

MERISSA LEANN YANES

§

ORDER

The Court referred a Petition, alleging violations of supervised release conditions, to United States Magistrate Judge Christopher dos Santos in Laredo, Texas, for consideration pursuant to applicable laws and orders of this Court. The Court has received and considered the Report and Recommendations of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings, and all available evidence.

At the close of the September 14, 2022 revocation hearing, Defendant, defense counsel, and counsel for the Government each signed a form waiving their right to object to the proposed findings and recommendations contained in the United States Magistrate Judge's report and consented to the Magistrate Judge's proposed findings and recommended sentence. (Dkt. No. 86). Defendant and counsel for the Government also waived their right to be present and speak before the District Judge when the recommended sentence is imposed. *Id.* Therefore, the Court may act on the Magistrate Judge's Report and Recommendations immediately.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and his report is hereby **ADOPTED**. (Dkt. No. 87). The Court **ACCEPTS**

the Magistrate Judge's finding that Defendant committed Violation One in the Petition, thereby violating Defendant's term of supervised release. (Dkt. No. 73).

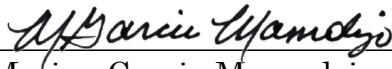
It is **ORDERED** that Defendant's term of supervised release be **REVOKED**.

It is further **ORDERED** that Defendant be sentenced to eight months of imprisonment, with credit for any time already served in federal custody, followed by a term of supervised release until the original expiration date of April 10, 2024, subject to all original standard and mandatory conditions and the following special conditions:

- You must participate in an intensive outpatient substance-abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program, including the provider, location, modality, duration, and intensity. You must pay the costs of the program, if financially able. You must participate in up to three (3) drug treatment counseling sessions per month.
- You may not possess any controlled substances without a valid prescription. If you do have a valid prescription, you must follow the instructions on the prescription.
- You must submit to substance-abuse testing to determine if you have used a prohibited substance, and you must pay the costs of the testing if financially able. You must not attempt to obstruct or tamper with the testing methods. You must submit to up to three (3) substance abuse tests per month.

- You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances, including synthetic marijuana or bath salts, that impair a person's physical or mental functioning, whether or not intended for human consumption, except as with the prior approval of the probation officer.
- You must participate in a mental-health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program, including the provider, location, modality, duration, and intensity. You must pay the cost of the program, if financially able. You must participate in up to three (3) counseling sessions per month.
- You must participate in a psychiatric evaluation.
- Immediately upon release from custody, you must reside in a residential reentry center for a term of up to 180 days. You must follow the rules and regulations of the center. Should the defendant secure residence before completing the 180 days, this condition will be satisfied. The defendant must remain in custody until bed space becomes available.

SIGNED this 21st day of September, 2022.



Marina Garcia Marmolejo
United States District Judge